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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 THERMOLIFE INTERNATIONAL, LLC,

12 Plaintiff,

13 vs.

14 EXCLUSIVE SUPPLEMENTS, INC.
d/b/a BIORHYTHM,

15 Defendant
16

Case No. 3:13-cv-02160

**JOINT MOTION FOR DISMISSAL
OF ALL CLAIMS AND
COUNTERCLAIMS PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(1)(A)(ii)**

Plaintiff ThermoLife International, LLC and defendant Exclusive Supplements, Inc. d/b/a Biorhythm hereby jointly request that the Court dismiss this Action with prejudice in its entirety (including all affirmative claims and counterclaims) pursuant to 41(a)(1)(A)(ii). Each party is to bear its own fees and costs.

NEWPORT TRIAL GROUP

Tyler J. Woods
Attorney for Plaintiff

TUCKER ELLIS LLP

Bart L. Kessel
Attorneys for Defendants Exclusive
Supplements, Inc. d/b/a Biorhythm

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 2, 2013, I electronically filed the foregoing
3 **JOINT MOTION FOR DISMISSAL PURSUANT TO FEDERAL RULE OF**
4 **CIVIL PROCEDURE 41(a)(1)(A)(ii)** with the Clerk of the Court using the CM/ECF
5 system which will send notification of such filing via electronic mail to all counsel of
6 record.

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8 /s/Tyler J Woods

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